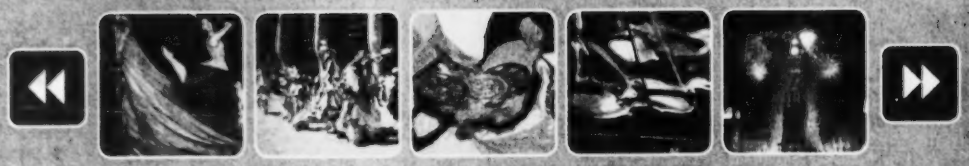
Canadian Heritage | Patrimoine canadien

Canada

Access to Information Act

Annual Report 2008-2009



The Right to Know!

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Access to Information Act

Annual Report
(April 1, 2008 to March 31, 2009)

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1.0 Introduction

The *Access to Information Act* gives Canadian citizens, permanent residents and corporations located in Canada, a right of access to information contained in government records, subject to specific and limited exceptions. The information contained in this report provides an overview of how the *Access to Information Act* was administered within the Department of Canadian Heritage during the reporting period of April 1, 2008 to March 31, 2009.

2.0 Mandate of Canadian Heritage

The Department of Canadian Heritage is responsible for formulating policies and delivering programs that help all Canadians to participate in their shared cultural and civic life.

The *Department of Canadian Heritage Act* sets out the Minister's powers, duties and functions with respect to "Canadian identity and values, cultural development and heritage." The Department's main activities involve funding community and other third party organizations with a view to promoting the benefits of culture, identity, and sport for Canadians. More specifically, areas of responsibility include:

- developing Canadian cultural affairs and broadcasting policy; assisting cultural industries, arts and heritage organizations; encouraging the creation, production, distribution and consumption of cultural and heritage goods and services;
- fostering Canadians' sense of self and promoting civic participation among all members of Canadian society;
- promoting a greater understanding of human rights;
- encouraging and developing sport; and
- advancing the equality of status and use of official languages, and supporting the development of official-language minority communities.

Canadian Heritage makes a strong contribution to the Government of Canada's social, economic, and international policy through its activities in support of dynamic cultural industries, world-class cultural institutions, and healthy communities.

The Minister of Canadian Heritage and Official Languages is responsible for the Department, and is assisted by the Minister of State for the Status of Women, and the Minister of State for Sport. In October 2008, the responsibility for the Multiculturalism portfolio, which was a part of Canadian Heritage, was transferred to the Minister of Citizenship and Immigration who became the Minister of Citizenship, Immigration and Multiculturalism. Consequently, the responsibilities related to multiculturalism were transferred from the Department of Canadian Heritage to Citizenship and Immigration Canada.

3.0 The Access to Information and Privacy Secretariat

The Access to Information and Privacy Secretariat is responsible for administering the *Access to Information Act* within Canadian Heritage. Its mandate is to act on behalf of the Minister of Canadian Heritage in ensuring compliance with legislation, regulations, and government policy, and to create departmental directions, including standards, in all matters relating to the *Act*. This includes the processing of access requests, providing professional advice and training within the department. The powers, duties and functions of the administration of the *Access to Information Act* have been fully delegated by the Minister to the Director of the Access to Information and Privacy Secretariat. See Appendix 1.0 for the Departmental Delegation Order.

During the reporting period, the Secretariat consisted of a Director, four analysts, and one support staff. In the departmental organizational structure, the ATIP Secretariat reports to the Corporate Secretariat.

4.0 Administration of Requests under the *Access to Information Act*

4.1 Access Requests

The Access to Information and Privacy Secretariat received a total of 294 formal requests during the reporting period of April 1, 2008 to March 31, 2009. This represents an increase of 23 requests over the previous year. One hundred requests were carried over from the previous reporting period for a total of 394 active requests. See Appendix 2.0 for the Report on the *Access to Information Act*.

The requests received by the ATIP Secretariat cover a full range of topics relevant to Canadian Heritage's roles and responsibilities. Some of the most frequently requested information related to the funding of specific programs and organizations, including funding criteria, program evaluation, and program reports. Also, a significant number of requests were received asking for the Minister's briefing notes, briefing books or QP cards. Information was requested on the 2010 Olympics and Paralympics, and for special events records, such as the 400th Anniversary of Quebec City, Canada Day, Royal visits and visits by foreign dignitaries. Requests were made for information on the proposed National Portrait Gallery and on copyright and copyright reform.

Other information sought pertained to departmental staffing activities, call-ups against standing offers, records released under previous requests, and expenditures by the Minister and senior officials.

4.2 Applicant Sources

The majority of Canadian Heritage's client base under the *Access to Information Act* originated from the media (37.4%) and from the public (31%). The remaining requests were from businesses (14%), other organizations (8.8%), and academia (8.8%).

4.3 Disposition of Completed Requests

Two hundred and thirty-nine requests were completed by the end of March 2009. Of the requests completed, the majority resulted in either a full disclosure of information (73 requests) or partial disclosure of information (89 requests). For two of the completed requests, information was exempted entirely. Sixty-nine requests were either transferred to other federal institutions, could not be processed, or were abandoned by the applicants. Six requests were treated informally.

4.4 Completion Time and Extensions

The 239 completed requests for 2008-09 were processed in the following timeframes:

- 99 requests completed within 30 days or less (41%)
- 18 requests completed within 31 to 60 days (8%)
- 38 requests completed within 61 to 120 days (16%)
- 84 requests completed within 121 or more days (35%)

In 29 cases, the department required a 30-day time extension to allow for document searching or consultation with other federal institutions. In 118 cases, an extension of over 30 days was required for searching or for consultation, including 53 consultations with third parties.

4.5 Exemptions / Exclusions

In the processing of requests, exemptions to withhold information were invoked 251 times. The exemptions most commonly applied by the department were: section 21(1) (information relating to the internal decision-making processes of government) invoked 67 times; section 19(1), (exempting records containing personal information), applied in 62 requests; and section 20(1), (records containing third-party business information) was invoked 54 times.

Exclusions were applied a total of 62 times under section 69(1) as information pertained to confidences of the Queen's Privy Council for Canada.

4.6 Consultations

During the reporting period, the ATIP Secretariat received a total of 106 requests for consultation from other federal institutions. The federal departments which most frequently consulted with Canadian Heritage were the Department of Foreign Affairs and International Trade (12%), Public Works and Government Services Canada (10%), Department of Finance (9%), Treasury Board Secretariat (8%), and Industry Canada (7.5%).

4.7 Fees and Costs

During the reporting period, total fees collected were $3,515.60. Of this amount, $1,460 was for application fees, and $2,055.60 for reproduction and searching.

The Access to Information and Privacy Secretariat incurred $352,253 in salary costs and $90,971 in administrative costs to administer the *Access to Information Act*.

4.8 Complaints and Investigations

During the reporting period, 36 complaints were filed with the Office of the Information Commissioner of Canada. Thirty-one of the complaints were administrative in nature pertaining to time extensions (19 complaints) or delays (12 complaints) in responding to requests. Three complaints related to the application of exemptions, and two complaints were made as a result of responses indicating that no records exist.

Twenty complaints were closed within the reporting period. The findings of the investigations indicated that 3 complaints were discontinued, 9 were not substantiated, and 8 were resolved.

4.9 Federal Court Cases

Two appeals were filed by applicants with the Federal Court of Canada during the reporting period.

Mr. R. Wells filed an application for judicial review (T-145-09) of Canadian Heritage's decision to refuse to disclose records requested. The issue cited was resolved by the department by providing a response to the request made by an applicant.

An application was filed with the Federal Court (T-1249-08) by Reader's Digest Magazines Limited. The application was made in regard to the decision of Canadian Heritage to disclose particular records containing third party information belonging to Reader's Digest Magazines Limited. At the end of the reporting period, procedures were ongoing.

5.0 Education and Training Activities

Briefing Sessions / Website

To increase the knowledge and understanding of ATIP across the department, awareness sessions were delivered on an ad hoc basis. These sessions provided basic information on the purpose and provisions of the *Access to Information Act*, as well as the roles and responsibilities of departmental employees and the ATIP Secretariat.

In 2008-2009, the ATIP Secretariat delivered 9 awareness and branch-specific information sessions on the *Access to Information Act*, to departmental employees in the National Capital Region. In total, 86 employees attended these sessions.

The Access to Information and Privacy Secretariat's website resides on the department's intranet site. The website describes the ATIP Secretariat's roles and responsibilities and provides information on the *Access to Information Act* and related departmental policies and procedures. An information pamphlet is available to employees of the department, providing them with an overview of the *Access to Information Act* so that they have a general understanding of the *Act*, the impact that it has on the department and on their responsibilities with respect to the *Act*. The site is continuously updated with new tools and information added.

6.0 Reporting

The Access to Information and Privacy Secretariat met its reporting obligations for the reporting period, by providing timely input to the Management Accountability Framework (MAF), the Departmental Performance Report (DPR), and Info Source. The statistical report on the *Access to Information Act* was provided to the Treasury Board Secretariat.

Internally, update and situation reports were provided to the program areas on a regular basis.

CANADIAN HERITAGE

DELEGATED FINANCIAL SIGNING AUTHORITIES CHART

Position Level	POSITION TITLE	AREA OF AUTHORITY	SPENDING AUTHORITY: Section 32 FAA - Commitment Authority	EXPENDITURE INITIATION: Salaries & Other Personnel Costs	Recognition	Travel	Relocation	Isolated Posts	Training and Development	Hospitality	Conferences	Memberships	Standing Advances	Approval of Grants and Contributions	Refunds of Revenue	Claims by and against the Crown	Ex Gratia Payments	Other Goods and Services	Section 34 FAA Contract Performance: Travel, Relocation and Hospitality Claims	Grants and Contributions	Salaries & Other Personnel Costs	Other Goods and Services	Section 33 FAA Payment Authority	OTHER AUTHORITIES: Grant or Contribution Agreements	Leases and licences (Crown as tenant)	Loan Agreement (Materiel/Artifacts/Objects)	Losses of Money	Approve Debt Write-Off	Request or Acceptance of Set-Offs	Write-Off Materiel	Interest & Admin Charges Waiver	Access to Information and Privacy	TB Submissions & other related Documents
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1	Deputy Minister/Associate Deputy Minister	Department	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
2	Assistant Deputy Minister/Associate Assistant Deputy Minister/Senior Advisor to the Deputy Minister or equivalent manager reporting to level 1	Assigned Funds Centre(s)/Cost Centre(s)	F	F	F	F	F	F	F	F	F	F		3/50	F	F	F	F	F	F	F	F		F	F	F	F					
3	Regional Executive Director	Region	F	F	F	F	F	F	F	F	F	F		3/50	F	F	F	F	F	F	F	F	F	F	F	F	F		F	F	F	
3	Director General/General Counsel or equivalent manager reporting to level 2	Assigned Funds Centre(s)/Cost Centre(s)	F	F	F	F	F	F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F						
3	Chief Operating Officer for CHIN and CCI	Agency	F	F	F	F	F	F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F						
4	Director/Manager or equivalent manager reporting to level 3	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F						
5	Chief/Head or equivalent manager reporting to level 4	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F						F			F	F	F	F	F		F	F	F						
6	Supervisor/Senior Officer or equivalent manager reporting to level 5	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F									F	F	F	F	F										
7	Administrative Officer/Executive Assistant or equivalent position reporting to any level	Assigned Funds Centre(s)/Cost Centre(s)	F															10				10										
	SPECIAL AUTHORITIES																															
	Chief Financial Officer (CFO)	Department	F										F		F	F	F	F	F	F	F	F						F	F	F	F		
	Deputy Chief Financial Officer (DCFO)	Department	F										F		F	F	F	F	F	F	F	F						F	F	F	F		
	Director General, Sport Canada	Assigned Funds Centre(s)/Cost Centre(s)	F											F																			
	Director General, Human Resources and Workplace Management (HRWM)	Department	F	F														F			F											F	
	Corporate Secretary	Department																		F													
	Director, Centre of Expertise for Grants and Contributions	Department	F																										F				
	Director, Accounting Operations, Financial Policies & Systems	Department	F										F		F	F	F	F	F		F	F	F							F			
	Director, Labour Relations, Compensation and Benefits (HRWM)	Department	F	F																	F												
	Director, Contracting and Materiel Management	Department																F												F			
	Director, Access to Information and Privacy Secretariat	Department																													F		
	Manager, Compensation and Benefits (HRWM)	Department	F	F																	F												
	Manager, Accounting Operations	Department	F										F		F						F	F	F								F		
	Chief, NCR Client Services	Department																					F										
	Director, Corporate Services or equivalent position	Region	F												F			F	F	F	F	F	F										
	Financial Officer	Region																					F										

APPROVED BY:

Original signed by Judith A. LaRocque on May 27, 2009

Deputy Minister

APPROVED BY:

Original signed by James Moore on May 28, 2009

Minister

Notes:

1. This Chart must be read in conjunction with the **Notes to the Delegated Financial Signing Authorities Chart** and **Appendix A**, which defines terms/conditions and financial limitations to the Delegated Financial Signing Authorities Chart
2. The letter "F" means that the position has been delegated full authorities **subject to specific authorities and dollar limitations** as described in **Appendix A** for the corresponding column.
3. Where dollar amounts are specified, e.g., 1 = $1,000, these amounts cannot be exceeded. In addition, a blank cell means that no authority has been granted.

Appendix 1.0

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution				Reporting period / Période visée par le rapport	
Canadian Heritage / Patrimoine canadien				April 1, 2008 to March 31, 2009	
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme	Public
	110	26	41	26	91

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	294
Outstanding from previous period / En suspens depuis la période antérieure	100
TOTAL	394
Completed during reporting period / Traitées pendant la période visées par le rapport	239
Carried forward / Reportées	155

II Dispositon of requests completed / Disposition à l'égard des demandes traitées

1	All disclosed / Communication totale	73	6	Unable to process / Traitement impossible	34
2	Disclosed in part / Communication partielle	89	7	Abandoned by applicant / Abandon de la demande	22
3	Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8	Treated informally / Traitement non officiel	6
4	Nothing disclosed (exempt) / Aucune communication (exemption)	2		TOTAL	239
5	Transferred / Transmission	13			

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	3	S. Art 16(1)(a)	0	S. Art. 18(b)	1	S. Art. 21(1)(a)	34
(b)	0	(b)	0	(c)	0	(b)	20
(c)	2	(c)	1	(d)	0	(c)	12
(d)	0	(d)	0	S. Art. 19(1)	62	(d)	1
S. Art. 14	7	S. Art. 16(2)	1	S. Art. 20(1)(a)	0	S. Art.22	6
S. 15(1) Art. International rel. / Relations interm.	0	S. Art. 16(3)	0	(b)	41	S. Art.23	19
Defence / Défense	24	S. Art. 17	0	(c)	9	S. Art. 24	2
Subversive activities / Activités subversives	0	S. Art. 18(a)	2	(d)	4	S. Art.26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	2
(c)	0	(e)	19
S. Art. 69(1)(a)	4	(f)	0
(b)	1	(g)	36

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	99
31 to 60 days / De 31 à 60 jours	18
61 to 120 days / De 61 à 120 jours	38
121 days or over / 121 jours ou plus	84

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	16	10
Consultation	13	55
Third party / Tiers	0	53
TOTAL	29	118

VII Translations / Traduction

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	155
Examination / Examen de l'original	1
Copies and examination / Copies et examen	6

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$1,460.00	Preparation / Préparation	$0.00
Reproduction	$1,785.60	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$270.00	TOTAL	$3,515.60

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	29	$ 136.45
Over $25.00 / De plus de 25 $	11	$ 1,510.80

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	$	371,824.0
Administration (O and M) / Administration (fonctionnement et maintien)	$	90,971.0
TOTAL	$	462,795.0

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	5.40

TBS/SCT 350-62 (Rev. 1999/03)